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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,159	06/06/2002	Heinrich Francke	18584-0003	1888
7590 08/25/2005 Sutherland Asbill & Brennan 999 Peachtree Street NE Atlanta, GA 30309-3996			EXAMINER KUMAR, PREETI	
			ART UNIT 1751	PAPER NUMBER

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,159

Applicant(s)

FRANCKE ET AL.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final Rejection

Response to Amendment

1. Claims 1-5 are pending.
2. The objection to claim 5 under 37 CFR 1.75(c) as being in improper form is withdrawn in light of applicants amendment to the claims.
3. The rejection of claim 5 under 35 U.S.C. 112, second paragraph is withdrawn in light of applicants amendment to the claims.
4. The objection to claims 1 and 4 is withdrawn in light of Applicants arguments.
5. The rejection of claims 1, 3-5 under 35 U.S.C. 102(b) as being anticipated by Hopkins et al. (US 4,560,386) is maintained for the reasons recited in the previous office action and further explained below.
6. The rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Hopkins et al. (US 4,560,386) is maintained for the reasons recited in the previous office action and because Applicants have not addressed the rejection on its merits in the remarks filed May 2, 2005.
7. The rejection of claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Friese et al. (US 4,903,362) is maintained for the reasons recited in the previous office action and further explained below.

Response to Arguments

8. Applicant's arguments filed 5/2/2005 with respect to claims 1-5 have been considered but they are not persuasive. Furthermore, Applicants incorrectly state that

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claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopkins et al. (US 4,560,386). Examiner would like to point out that only claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopkins et al. (US 4,560,386).

Applicants urge that Hopkins et al. do not teach the use of unsaturated fatty acids as starting material for production of the lubricant as is claimed in claim 1.

Contrary to applicants arguments, Hopkins et al. teach fat liquoring agents based on modified or emulsified natural or synthetic oils, fats or waxes to the dyestuffs. See col.6, ln.55-56 and example 1-2. These are the same starting products recited by the instant claims.

Applicants also urge that Friese et al. does not disclose any of the recited chemical processes such as sulfation, sulfochlorination, phosphating, ethoxylation, amidation or reaction to yield sulfosuccinates as disclosed within the instant specification on page 4 and/or instant claim 3.

Contrary to applicants arguments, see col.3,ln.15-20 where Friese et al. teach that the sulfited fats are used together with sulfated fats, sulfonated fats, sulfited fats prepared from high-iodine fats, sulfochlorinated fats or phosphated fats as oiling agents for leather and skins and are produced by oxidation of the fats with oxygen-containing gas mixtures, for example air, and simultaneous or subsequent sulfitation with alkali and/or ammonium hydrogen sulfite. See col.1,ln.15-20. Friese et al. teach oiling of upper leathers in a single bath, comprising neutralizing with sodium formate, retanning and lubricating with a lubricating agent comprising sulfited fats together with sulfated fats, sulfonated fats, sulfited fats prepared from high-iodine fats, sulfochlorinated fats or

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phosphated fats that have been further subjected to oxidative treatment. See application examples A-D and col.3,ln.15-20. Thus, Friese et al. teach the same chemical reactions of the fats as recited by the instant claim 3.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PK


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